



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

April 7, 1953

Mrs. B. B. Sapp  
Director and Executive Secretary  
Teacher Retirement System of Texas  
Austin, Texas

Letter Opinion No. MS-15

Re: Legality of "waiver-teachers" voluntarily discontinuing membership in the retirement system after having once established such membership.

Dear Mrs. Sapp:

You have requested an opinion from this office on the following question:

"Do waiver-teachers who established membership with the intention of qualifying under House Bill No. 433 have the right voluntarily to discontinue membership and withdraw their deposits?"

House Bill 433 was enacted as Chapter 483, Acts of the 52nd Legislature, 1951, which may be found in Vernon's Civil Statutes as a note to Section 5 of Article 2922-1, Vernon's Civil Statutes, as amended.

It is plainly evident from a reading of the amendment (Chapter 483) that it is the legislative intent to create one additional way for teachers to enter into teacher retirement benefits. There is no provision whatsoever in the amendment changing the means by which a teacher may withdraw a membership in the retirement system. The Legislature in passing this amendment must be presumed cognizant of the construction placed by this office on withdrawals from the teacher retirement system and to acquiesce therein. Att'y Gen. Ops. O-812 (1939); O-1530 (1939); O-4841 (1943); Letter opinion to Hon. Mortimer Brown, Executive Secretary, Teacher Retirement System, dated September 22, 1937. Therefore, we advise you that teachers who have established membership in the teacher retirement system cannot withdraw such membership except by death, retirement from teaching, retirement with disability benefits, or retirement on

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account of age. Att'y Gen. Ops. cited supra, copies of which are enclosed.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
Billy E. Lee  
Assistant

BEL:am:wb